

**SUPERIOR COURT STANDING ORDER 1-07
CONSOLIDATION OF SUPERIOR COURT CASES¹**

(Amended)

Applicable to All Counties

A motion to consolidate cases under Mass. R. Civ. P. 42(a) shall be served, in accordance with Superior Court Rule 9A, upon all parties in the cases proposed to be consolidated. The original motion, opposition(s), and other related documents shall be filed and the motion decided in the earliest-filed case. Notice of such filing, together with a copy of the documents filed, shall be filed in the later-filed case(s). A copy of the ruling on the motion to consolidate shall be filed in each of the cases proposed to be consolidated.

If the motion to consolidate is allowed, the cases will be consolidated in the session where the earliest-filed case is pending unless (a) the judge in that session orders, in the interest of justice or with the consent of all parties, that the cases be consolidated in a session where a later-filed case is pending, and (b) the judge in that other session agrees to accept the consolidated cases. The order for consolidation shall specify the session in which the cases will be consolidated (“the consolidating session”).

Unless the judge of the consolidating session otherwise orders, the earliest-filed case in the session in which the cases are consolidated shall be designated the “lead case” and the other case(s) shall be designated the “consolidated case(s).” In documents filed in the lead or consolidated cases, the case caption shall identify the lead case first. Below the lead case caption shall be written the words, “**CONSOLIDATED WITH,**” in capital letters and in bold print. Below those words shall appear the case captions for the consolidated cases, in the order they were filed, with the earliest-filed case listed first. Regardless of the length of the case caption, the title of the document, identifying what it is, shall appear on the first page.

An order of consolidation is also an order of transfer. Once the cases are consolidated, the consolidating session is responsible for the lead case and all consolidated cases. If the lead case or any consolidated case(s) had been filed in different counties, the case file(s) shall be promptly transferred to the Clerk for the county in which the consolidating session is located. The Clerk shall then open a new case file in that county for each transferred consolidated case,

¹ This Standing Order applies only to the consolidation of Superior Court cases. The consolidation of a Superior Court case with a case from a different judicial department is governed by Trial Court Rule XII - Requests for Interdepartmental Judicial Assignments. However, please note that Trial Court Rule XII does not apply when the related actions that are the subject of the consolidation request are in the Superior Court, the District Court, and/or the Boston Municipal Court. The appropriate procedure in such cases is for the parties to file a motion pursuant to G.L. c. 223, § 2B to transfer the case in the District Court or the Boston Municipal Court to the Superior Court and then to file a motion to consolidate under Mass. R. Civ. P. 42(a). See Trial Court Rule XII, ¶ 8.

shall assign a new docket number, and shall make all appropriate entries on the docket, including the entry reflecting the ultimate disposition of the case. The Clerk for the county in which any transferred case had been located shall reflect the transfer on the original docket and close the transferred case.

Unless the judge of the consolidating session otherwise orders, a party filing any document in either the lead case or any consolidated case shall file one set of original documents in the lead case, and a copy of each such document, clearly marked as a copy, in each consolidated case. The Clerk shall make appropriate entries on the docket of the lead case and each consolidated case.

Within thirty (30) days following entry of an order of consolidation, the judge of the consolidating session shall conduct a conference under Mass. R. Civ. P. 16 to establish a Tracking Order for the consolidated cases and to address other matters raised by the consolidation.

Barbara J. Rouse
Chief Justice of the Superior Court

Amended effective July 7, 2008